

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:02-cr-00105-MR-4**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>MICHAEL ANTHONY JENKINS,</b>	)	
	)	
<b>Defendant.</b>	)	
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**THIS MATTER** is before the Court on the Defendant's "Motion Pursuant to Title: 18 U.S.C. § 3582(c)(2) and Amendments 750, 759, and 782" [Doc. 585].

On December 2, 2002, the Defendant was charged in a Bill of Indictment with conspiring to possess with intent to distribute crack cocaine and with possessing a firearm during and in relation to a drug trafficking crime. [Doc. 3]. The Defendant pleaded guilty to both counts pursuant to a written plea agreement in February 2003. [Doc. 139]. He was sentenced to a total term of 292 months' imprisonment [Doc. 292], and his conviction and sentence were affirmed on appeal. United States v. Jenkins, 159 F. App'x 496 (4<sup>th</sup> Cir. 2005).

On February 11, 2008, the Defendant moved for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 706. [Doc. 401]. Because the Defendant's applicable Guidelines range was based on his status as a career offender, the Court determined that he was ineligible for a sentence reduction under Amendment 706 and thus denied the motion. [Doc. 503].

Subsequent thereto the United States Sentencing Commission adopted Amendment 750, which reduced the base offense levels for crack cocaine offenses. Amendment 759 made Amendment 750 retroactive effective November 1, 2011.

The Defendant now files a second motion for a sentence reduction pursuant to § 3582(c)(2) and Amendments 750 and 759.<sup>1</sup> Once again, however, because the Defendant's offense level is based upon his classification as a career offender, there is no change in the Guidelines calculation, and thus Amendment 750 is not applicable to this case. Accordingly, the Defendant's motion for a sentence reduction must be denied.

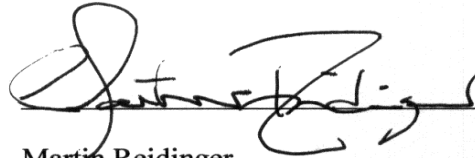
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<sup>1</sup> The Defendant also seeks relief pursuant to Amendment 782. [Doc. 585]. The Defendant's request for relief under Amendment 782 has already been denied by a separate Order. [Doc. 597].

**IT IS, THEREFORE, ORDERED** that the Defendant's "Motion Pursuant to Title: 18 U.S.C. § 3582(c)(2) and Amendments 750, 759, 782" [Doc. 585] is **DENIED**.

**IT IS SO ORDERED.**

Signed: January 18, 2016

  
Martin Reidinger  
United States District Judge

